

UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND

JILLYN K. SCHULZE
UNITED STATES MAGISTRATE JUDGE

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October 23, 2014

FILED VIA CM/ECF

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J. Philip Kessel, Esquire
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Thomas Marriner, Esquire

Re: *R.H., a minor, by her Mother and Next Friend, Michelle Hugar, et al.*
v. Sanjay Prasad, M.D., et al.
Civil No. CBD 13-1049

Dear Counsel:

Please be advised that a settlement conference in the above-captioned case has been scheduled for **November 25, 2014 at 10:00 a.m.** to be held in my chambers (Room 335A). It is essential that the parties, or in the case of a corporation or partnership, an officer or other representative with complete authority to enter into a binding settlement, be present in person. Attendance by the attorney for a party is not sufficient. *See* Local Rule 607.3. Please also be advised that the conference may take the entire day.

No later than November 18, 2014, I would like to receive from each party a short letter candidly setting forth the following:

1. Facts you believe you can prove at trial;
2. The major weaknesses in each side's case, both factual and legal;
3. An evaluation of the maximum and minimum damage awards you believe likely;
4. The history of any settlement negotiations to date; and
5. Estimate of attorney's fees and costs of litigation through trial.

The letters may be submitted *ex parte* by U.S. mail, or, if their total length including exhibits is less than 15 pages, by email addressed to MDD_JKSchambers@mdd.uscourts.gov. The letters will be solely for my use in preparing for the settlement conference. I also will review the pleadings in the court file. Additionally, if you want me to review any case

Counsel

R.H., a minor, by her Mother and Next Friend, Michelle Hugar, et al.

v. Sanjay Prasad, M.D., et al.

Civil No. CBD 13-1049

October 23, 2014

Page 2

authorities that you believe are critical to your evaluation of the case, please identify. If you want me to review any exhibits or deposition excerpts, please attach a copy to your letter.¹

The settlement conference process will be confidential and disclosure of confidential dispute resolution communications is prohibited. *See* 28 U.S.C. § 652(d); Local Rule 607.4.

Despite the informal nature of this ruling, it shall constitute an Order of the Court and the Clerk is directed to docket it accordingly.

Very truly yours,

/S/

Jillyn K. Schulze
United States Magistrate Judge

¹ Please note that the American Bar Association Standing Committee on Ethics and Professional Responsibility has issued a Formal Opinion (No. 93-370) that precludes a lawyer, ABSENT INFORMED CLIENT CONSENT, from revealing to a judge the limits of the lawyer's settlement authority or the lawyer's advice to the client regarding settlement. The opinion does not preclude a judge, in seeking to facilitate a settlement, from inquiring into those matters. Therefore, please discuss these items with your client before appearing for the settlement conference.